

# **Chapter 13**

## **CONDITIONAL USES**

### **10-13-1: PURPOSE:**

The purpose and intent of conditional uses is to allow in certain areas compatible integration of uses which are related to the permitted uses of the zone, but which may be suitable and desirable only in certain locations in that zone due to conditions and circumstances peculiar to that location and/or upon certain conditions which make the uses suitable and/or only if such uses are designed, laid out and constructed on the proposed site in a particular manner. (Ord. 6-18-81A, 6-18-1981)

### **10-13-2: CONDITIONAL USE PERMIT; REVOCABLE:**

A conditional use permit shall be required for all uses listed as conditional uses in the zone regulations. A conditional use permit may be revoked by the city council after review and recommendation by the planning commission, upon failure to comply with the conditions imposed with the original approval of the permit. (Ord. 6-18-81A, 6-18-1981)

### **10-13-3: PREVIEW PROCEDURE:**

- A. Application: Application for a conditional use permit shall be made to the planning commission.
- B. Plan Required: Detailed location, site and building plan shall accompany the complete application forms provided by the city. For structures in existence, only a location plan need be provided.
- C. Consideration By Planning Commission: The application, together with all pertinent information, shall be considered by the planning commission at its next regularly scheduled meeting.
- D. Public Hearing; Action Of Planning Commission: The planning commission may call a specific public hearing on any application after adequate notice, if it is deemed in the public interest. The planning commission shall take action on the application by the

second meeting of the planning commission after the application filing date. A record of the hearing, together with a recommendation for the denial or issuance of the conditional use permit, with conditions of approval or reasons for denial, shall be forwarded to the city council. (Ord. 6-18-81A, 6-18-1981)

#### **10-13-4: DETERMINATION:**

The planning commission may deny or permit a conditional use to be located within any zone in which the particular conditional use is permitted. In authorizing any conditional use, the planning commission shall impose such requirements and conditions necessary for the protection of adjacent properties and public welfare. (Ord. 6-18-81A, 6-18-1981)

#### **10-13-5: BASIS FOR ISSUANCE OF CONDITIONAL USE PERMIT:**

The planning commission shall not authorize a conditional use permit unless evidence is presented to establish that:

- A. The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community; and
- B. Such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons, nor injurious to property and improvements in the community, but will be compatible with and complimentary to the existing surrounding uses, buildings and structures when considering the following:
  - 1. Agricultural And Residential Zones:
    - a. Will the proposed use generate enough traffic to be detrimental to the immediate neighborhood?
    - b. Will the proposed development overload the carrying capacity for which local streets are designed?
    - c. Will internal traffic circulation adversely affect adjacent residential property?
    - d. Will parking facilities' location adversely affect adjacent residential properties?
    - e. Will parking facilities be effectively screened from adjacent residential properties?
    - f. Will the relationship of structures and parking be complimentary to the aesthetics of the general area?

- g. Will the proposed signs adversely affect the development itself or the overall aesthetics of the immediate area?
- h. Will the proposed landscaping be sufficient to enhance the aesthetic acceptability of the development?

## 2. Commercial Zones:

- a. Will traffic ingress and egress adversely affect the general traffic patterns in the area?
- b. Will parking facilities' location adversely affect internal circulation or access to public street circulation?
- c. Will building location create a pedestrian traffic hazard by causing blind approaches to sidewalks?
- d. Will building design be compatible with or complimentary to already established adjacent structures?
- e. If the development is adjacent to a residential zone or use, will the building location, lighting, parking or traffic circulation adversely affect the adjacent residential use or zone?
- f. Will proposed signing be complimentary to the development and overall aesthetic nature of the immediate area?

## 3. Industrial Zone:

- a. Will heavy vehicle traffic adversely affect adjacent residential or commercial properties?
- b. If the proposed use may emit pollutants of any type, will such pollutants detrimentally affect residential, commercial or industrial properties in the immediate vicinity?
- c. Will landscaping add aesthetic acceptance to the proposed development?
- d. Will proposed signs be in good taste and not create adverse effects on adjacent residential or commercial properties?
- e. Will the building location adversely affect adjacent residential or commercial property?
- f. Will ingress and egress be sufficient to handle intended traffic and will internal traffic circulation adversely affect the general area traffic circulation?

C. The proposed use will comply with the regulations and conditions specified in this title for such use; and

- D. The proposed use conforms to the goals, policies and governing principles of the master plan for the city. (Ord. 6-18-81A, 6-18-1981)

### **10-13-6: APPEAL TO AND REVIEW BY CITY COUNCIL:**

- A. The decision of the planning commission shall not become final and effective until fifteen (15) days after notice of their decision being mailed or delivered to the applicant and delivered to the city recorder for presentation to the city council. It shall not then become final if, prior to the expiration of that fifteen (15) days any interested party has appealed the same to the city council by filing a written notice of appeal with the city recorder, or the city council, on its own motion, has elected to review that decision.
- B. The decision of the planning commission may be appealed by any interested party to the city council by filing such appeal with the city recorder within fifteen (15) days after the notice of decision is sent to the applicant. The city council may review that decision on its own motion made within that fifteen (15) day period.
- C. The city council may uphold or reverse the decision of the planning commission and impose any additional or different conditions that it may deem necessary in granting an appeal or review. The decision of the city council shall be final. (Ord. 6-18-81A, 6-18-1981)

### **10-13-7: BUILDING PERMIT:**

Upon receipt of a conditional use permit, the developer shall take such permit to the building inspector, who will review the permit and conditions attached. Based on this review and compliance with any other items that might develop in the pursuance of his duties, the building inspector may approve an application for a building permit and shall ensure that development is undertaken and completed in compliance with said permit and conditions pertaining thereto. (Ord. 6-18-81A, 6-18-1981)

### **10-13-8: EXPIRATION:**

Unless there is substantial action under the conditional use permit within a period of one year of its issuance, as determined by the planning commission, the conditional use permit

shall expire. The planning commission may grant a maximum extension of six (6) months, under exceptional circumstances. (Ord. 6-18-81A, 6-18-1981)